



May 3, 2004

John C. Wyvill, Commissioner
Arkansas Rehabilitative Services
1616 Brookwood Dr.
P.O. Box 3781
Little Rock, AR 72203

Re: Advisory Opinion # 483-04-09

Dear Mr. Wyvill:

This letter is in response to your request for an advisory opinion in accordance with §19-11-715(b) of the Arkansas Code Annotated of 1987. Your request for an advisory opinion is based on the following facts:

- a) Chelsea Brown left employment with ARS in October of 2003 "to become a partner in an entity known as Transitional Living Services, that provides supportive employment services for persons with developmental disabilities".
- b) You are requesting an advisory opinion to determine if there is an ethical conflict.

Arkansas Code Annotated of §19-11-709(d)(1) prohibits a former employee from selling to the State for one year after termination of employment. The term "sell" is defined at ACA §19-11-709(d)(2) as "signing a bid, proposal, or contract; negotiating a contract; contacting any employee for the purpose of obtaining, negotiating, or discussing changes in specifications, price, cost allowances, or other terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefor is subsequently negotiated by another person." Accordingly, Ms. Brown may work for, and TLS may contract with your agency, but she, personally, is prohibited from performing any of the tasks specified in the statute. However, she may "sell" to your agency after October of 2004.

This advisory opinion is issued in accordance with Arkansas Code Annotated Section 19-11-715(b) and compliance with the above course of conduct is deemed to constitute compliance with the ethical standards of the Act and Governor's Executive Order #98-04.

Sincerely,

Richard A. Weiss
Director

Cc: Joe Giddis
Dale Turrentine
Tom Gay, Office of Atty. Gen.